

**JEAN ACLOQUE**  
**January 18, 2006**

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1 Q. How far from the fence?

2 A. I can't tell you how far.

3 Q. But he wasn't in the street at that  
4 point?

5 A. He was just around this area. I would  
6 consider this the street since this is the  
7 sidewalk. This area would still be part of the  
8 street.

9 Q. It's next to the sidewalk?

10 A. Yes, that's right.

11 Q. If you extended the sidewalk, then this  
12 picture would be on the sidewalk?

13 A. Yes, that's correct.

14 Q. What did you see happen next?

15 A. Hearn was checking him out to see if he  
16 had drugs.

17 Q. How was he checking him out?

18 A. Checking out his pocket, checking out  
19 his pants or his clothing that he was wearing.

20 Q. Checking out his pockets?

21 A. Yes.

22 Q. How did he go about that?

23 A. I believe he was emptying out his  
24 pocket.

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1 Q. Did he pull the pockets out?

2 A. At that time when I came to the scene,  
3 you know, I only seen him checking out his pants  
4 and checking out his jacket. I wasn't really  
5 paying too much attention to what Hearn's was doing.  
6 I was focusing more on looking for the drugs.

7 Q. But I'm asking you exactly what did you  
8 see Hearn's do to Mr. Lacy?

9 A. I just told you.

10 Q. Did you see him reach in his pockets?

11 A. Yes, I did.

12 Q. You saw that?

13 A. Yes.

14 Q. Which pocket was that?

15 A. I'm not sure. I think it was the right  
16 pocket.

17 Q. Did he pull anything out?

18 A. No. I didn't see him pull anything out.

19 Q. Were the pockets pulled out?

20 A. I don't remember them being pulled out.

21 Q. Is that standard procedure to pull out  
22 the pockets when you reach your hand in?

23 A. You mean --

24 Q. When you're searching someone and --

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1           Q.   So you were the other officer closest to  
2   Lacy with Hearn's?

3           A.   Yes, I was closest to Lacy and Hearn's.  
4   The other officers were just walking around looking  
5   for drugs.

6           Q.   Why did you happen to be closest to  
7   Hearn's?

8           A.   Because my information was that the  
9   drugs could be around the fence area. That's why I  
10   was looking around that area.

11          Q.   You were looking at Hearn's. What was he  
12   doing with Mario Lacy after he had gone through the  
13   pockets? What did he do next?

14          A.   Well, I don't know what Hearn's did next.  
15   I was more focused on looking for the drugs. I  
16   wasn't really staring at Hearn's, watching what he  
17   was doing with Mario Lacy. I know he was checking  
18   to see if he had drugs on him.

19          Q.   But you found out later what he did to  
20   Lacy, didn't you?

21          A.   What did he do to Lacy?

22          Q.   Didn't you ask what was done, in terms  
23   of a further search?

24          A.   What was done to what?